

REMARKS

Claims 1-12 are pending in this application. Claim 1 is the only independent claim. By this amendment, claims 1-12 are amended.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

The Claims Define Patentable Subject Matter

The Office Action makes the following rejections:

(1) claims 1 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art (hereafter APA) (i.e., present specification, page 2, lines 16-30) in view of U.S. Patent No. 4,744,845 to Posey (hereafter Posey); and

(2) claims 2-8 and 10-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Posey and further in view of U.S. Patent No. 5,411,223 to Gatteschi (hereafter Gatteschi).

These rejections are respectfully traversed.

Applicant respectfully submits that the combination of cited references fail to teach or suggest each and every feature as set forth in the claimed invention.

Applicant respectfully submits that the claimed invention is distinguishable from the combination of APA and Posey for at least the following reasons:

The Examiner alleges that in the present specification (Admitted Prior Art (APA)) that applicant discloses that it is known to unwind a first polymer film from a first film roll and to supply the first polymer film to a tentering device, unwind a second polymer film from a second film roll after unwinding the first polymer film and splicing the first and second polymers films together. However, the examiner concedes that the APA fails to show the splicing occurring by thermal melting of overlaid films. (see Office Action, page 2, 2nd paragraph).

In an attempt to show this thermal melting of overlaid films feature, the Examiner imports Posey. The Examiner alleges that Posey discloses that polymer films can be spliced for continuous feeding to a processing station....using an impluse heater. (see Office Action, page 2).

Applicant respectfully submits that the combination of APA and Posey fails to teach or suggest the claimed invention. For example, applicant submits that Posey merely discloses a heat sealer 30 for sealing severed ends of overlapped film. (see Posey, col. 2, lines 27-32). However, even if Posey discloses sealing overlapped films, Posey fails to disclose any type of end treatment being performed to the film prior to sealing the two films together.

For example, in the present invention an end treatment is performed on the first rear or first trailing end portions of the first film and there is also an end treatment being performed on the first leading or first front-end portion of the second film. For instance, both the trailing end portion and the leading end portion of the first and second film, respectively, are typically bent and damaged where they contact the roll core, and/or damaged from different handling circumstances. Accordingly, in the present invention, precise portions of the first trailing end portion and the first leading end portions are cut off in order to easily connect the second trailing end portion of the first film to the second leading end portion of the second film. (see present specification, page 9, line 9 to page 10, line 29).

Claim recites, *inter alia*, feeding the first polymer film for a predetermined time until the first trailing end of the first polymer film is at a first position whereby a trailing end treatment is performed to produce a second trailing end.

In the present invention, a similar process is performed for the first leading end portion of the second film. As such, in the present invention precise positioning of the end portions is performed in order to perform an end treatment so that the subsequent sealing is optimized.

Applicant respectfully submits that both the APA and Posey fails to teach or suggest any type of precise end treatment as mentioned above.

Instead, Posey merely discloses detecting tape splices so that they can be removed. In Posey, when the tape splice is detected the feed of the film into the apparatus is halted. Then the film is

severed at a point Y upstream of the splice. However, in Posey, this severed point Y fails to be an end point of the film. (see Posey, col. 6, lines 27-35).

In another embodiment of Posey, Posey discloses sealing two separate webs of film together. In this embodiment of Posey, Posey discloses that after the two film ends 15 and 17 are in the proper orientation, the heat sealer 30 can seal the film together. In Posey, the heat sealer 30 can be rotated outwardly to access the film so that the film can be severed. (see Posey, col. 4, line 65 to col. 5, line 2). However, Posey fails to address the need to perform end treatment of the film in order to remove bent or damaged areas thereon prior to sealing the same. In fact, Posey is completely silent about the characteristic bent or damaged ends of rolls of film. Posey is merely concerned with selecting arbitrary points in the film, not the damaged ends points, and splicing the film together at these points. As such, we believe Posey fails to consider the bent or damaged ends points associated with rolls of film when they conduct their splicing method.

For at least the reason noted above, applicant respectfully submits that the present application is distinguishable from the combination of Posey and APA.

In addition, applicant respectfully submits that Gatteschi fails to make up for the deficiencies found in Posey and APA. For example, like Posey, Gatteschi also fails to perform end treatments on the rolls of film prior to splicing.

For example, Gatteschi merely lays the leading end of the film (B) (the bent portion) freely overhanging beyond the welding device. (see Gatteschi, Fig. 1; col. 2, lines 62-65).

In Gatteschi, when the sensor (9A) sends a signal that the bobbin (11A) is close to getting emptied, brakes are enabled in order to block films (A) and (B). Thereafter, the pressing element (18) compresses film (B) head against the end portion of film (A). Subsequently, the welder bar presses both films (A) and (B) against each other for the necessary time in order to weld them along at least one seaming line. Then, in Gatteschi, the cutting device (4A) is enabled, cutting film (A). (see Gatteschi, col. 2, line 62 to col. 3, line 12).

As such, Gatteschi fails to perform end treatment on the films prior to sealing them together. In fact, Gatteschi seals the films together before any type of cutting is performed. Furthermore, as

clearly shown in Figs. 1-4 of Gatteschi, the bent or damaged ends of the film fail to be treated in any form prior to sealing the two films together. In fact, it appears that Gatteschi leaves the bent/damaged ends on even after the films are sealed together.

For at least the above noted reasons, applicant respectfully submits that the present invention is distinguishable from the combination of cited references.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant respectfully submits that independent claim 1 is allowable over the cited combination of references for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claim, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1-12 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

By 

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